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UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

IN RE: BYRON J. WYSOCKI

Debtor.

Chapter 11 Case No. 17-32854-11

RESPONSE TO OBJECTION TO  
CONFIRMATION OF CHAPTER 11  
PLAN DATED NOVEMBER 1, 2017  
(Relates to Dkt. 112)

On January 19, 2018, two days after the deadline for objections to confirmation, as set out in the Court's order at Dkt. 86, Linda Witherite filed an objection (the "Objection") to confirmation of the Plan of Reorganization Dated November 1, 2018 (the "Plan"), (filed at Dkt. 112) by Byron J. Wysocki (the "Debtor"). In the Objection, Ms. Witherite complains that: (1) she did not receive a copy of the Plan until January 18, 2018, and: (2) that the Debtor has failed to include his outstanding property tax arrearages in the Plan.

In response to the Objection's first issue, the Debtor listed Ms. Witherite in his bankruptcy schedules as a secured creditor.<sup>1</sup> The Certificate of Service the undersigned filed at Dkt. 88<sup>2</sup> shows that on December 5, 2017, the undersigned mailed a copy of the Plan to Ms. Witherite at: 128 SE 4<sup>th</sup> Ave., Pendleton, OR 97801. Ms. Witherite acknowledges receiving the

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<sup>1</sup> See Dkt. 1, PDF pgs. 26 & 27

<sup>2</sup> See Dkt. 88, PDF pg. 13  
Page 1 of 3  
Response to Objection to  
Confirmation

Plan. The Debtor does not know why the Objection states that Ms. Witherite did not see the Plan until January 18, 2018.

In response to the Objection's second issue, the undersigned counsel for the Debtor conferred with Wade Bettis, counsel for Linda Witherite and with Carla McClurg, counsel for the US Trustee, to verify that the Debtor's mother's full cure of the property tax arrears which were the subject of the Objection, as a gift to the Debtor, would resolve the objection without causing any further objections.

The Objection shows that, as of 2/15/18, the total property tax arrears due will be \$20,193.76, consisting of the following amounts:

- a. Tax Account #: 111378 there was a balance due of \$7,517.49.
- b. Tax Account #: 111376 there was a balance due of \$3,988.19
- c. Tax Account #: 140841 there was a balance due of \$8,688.08

On January 19, 2018, to resolve the objection, and in furtherance of confirmation of her son the Debtor's Plan, Ms. Wysocki gifted the Debtor \$20,193.76, in the form of a direct payment to the Umatilla County Property Tax Assessor.<sup>3</sup> A copy of Ms. Wysocki's Banner Bank cashier's check number: 781141 and a copy of her receipt from the Umatilla Assessor, which shows that all of the property tax arrears that are the subject of the Objection have been fully paid, are attached as exhibits A & B to her accompanying declaration.

#### Conclusion

Because the Debtor timely served the Plan, and because the Objection is fully resolved, Ms. Witherite should withdraw her objection. Alternatively, the Court should consider confirmation of the Plan without any impediment caused by the Objection.

Dated January 19, 2018

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<sup>3</sup> Wysocki Dec. ¶ 5

/s/ Joseph A. Field  
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UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

IN RE: BYRON J. WYSOCKI

Debtor.

Chapter 11 Case No. 17-32854-11

DECLARATION OF CAROL  
WYSOCKI SUPPORTING RESPONSE  
TO OBJECTION TO  
CONFIRMATION OF CHAPTER 11  
PLAN DATED NOVEMBER 1, 2017  
(Relates to Dkt. 112)

1. I am over the age of 18, am competent to testify and make these averments from my own knowledge and observations.
2. I am the Carol Wysocki, the mother of Byron J. Wysocki, the debtor (the "Debtor") in this chapter 11 bankruptcy proceeding.
3. On January 19, 2018, I learned of Linda Witherite's objection to confirmation (the "Objection") of the Debtor's Plan of Reorganization Dated November 1, 2018 (the "Plan"), filed at Dkt. 112.
4. The Objection shows that, as of 2/15/18, the total property tax arrears due will be \$20,193.76, consisting of the following amounts:
  - a. Tax Account #: 111378 there was a balance due of \$7,517.49.
  - b. Tax Account #: 111376 there was a balance due of \$3,988.19
  - c. Tax Account #: 140841 there was a balance due of \$8,688.08

5. On January 19, 2018, to resolve the objection, and in furtherance of confirmation of the Plan, I gifted the Debtor \$20,193.76, in the form of a direct payment to the Umatilla County Property Tax Assessor. A copy of my Banner Bank cashier's check number: 781141 is attached as Exhibit A.

6. A copy of my receipt from the Umatilla Assessor, which shows that all of the property tax arrears that are the subject of the Objection have been paid, is attached as Exhibit B.

7. I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct.

Executed on: January 19, 2018 in Pasco, Washington.

/s/ Carol D. Wysocki  
Carol D. Wysocki

# Exhibit A



781141

REMITTER: CAROL WYSOCKI

Date 1/19/18

UMATILLA COUNTY

EXACTLY \*\*20,193 AND 76/100 DOLLARS

\$ \*\*\*\*\*20,193.76

CUSTOMER - FILE COPY

**CASHIER'S CHECK**

BANNER BANK

AUTHORIZED SIGNATURE

**NOT NEGOTIABLE**

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# Exhibit B



# Umatilla County Tax Collector

Payment Date 01-19-2018

Cashier TAX

As Of Date 01-19-2018

Receipt # 277036

Station ASSR27

Printed Date 01-19-2018

WYSOCKI BYRON (AGT)  
404 SE DORION AVE STE 205  
PENDLETON, OR 97801-2572

WITHERRITE LINDA	Tax ID	140841
WYSOCKI BYRON AGT	Account ID	140841
404 SE DORION AVE	Roll Type	Real
PENDLETON, OR 97801-2572	Property Desc	2N3211-BA-00401
Situs 903 SE EMIGRANT AVE PENDLETON, OR 97801	Code Area	1608

Tax Year	Payment	Tax Credit	Interest	Discount	Fees	Adjustments
2017	\$1,874.36	(\$1,849.70)	\$24.66	\$0.00	\$0.00	\$0.00
2016	\$2,027.56	(\$1,747.89)	\$279.67	\$0.00	\$0.00	\$0.00
2015	\$2,308.12	(\$1,748.57)	\$559.55	\$0.00	\$0.00	\$0.00
2014	\$2,478.04	(\$1,674.35)	\$803.69	\$0.00	\$0.00	\$0.00
	\$8,688.08	(\$7,020.51)	\$1,667.57	\$0.00	\$0.00	\$0.00
	Balance Due	\$0.00				

WITHERRITE LINDA	Tax ID	111376
WYSOCKI BYRON AGT	Account ID	111376
404 SE DORION AVE	Roll Type	Real
PENDLETON, OR 97801-2572	Property Desc	2N3211-BA-00400
Situs 318 SE 9TH PENDLETON, OR 97801	Code Area	1608

Tax Year	Payment	Tax Credit	Interest	Discount	Fees	Adjustments
2017	\$860.45	(\$849.13)	\$11.32	\$0.00	\$0.00	\$0.00
2016	\$930.69	(\$802.32)	\$128.37	\$0.00	\$0.00	\$0.00
2015	\$1,059.49	(\$802.64)	\$256.85	\$0.00	\$0.00	\$0.00
2014	\$1,137.56	(\$768.62)	\$368.94	\$0.00	\$0.00	\$0.00
	\$3,988.19	(\$3,222.71)	\$765.48	\$0.00	\$0.00	\$0.00
	Balance Due	\$0.00				

WITHERRITE LINDA	Tax ID	111378
WYSOCKI BYRON (AGT)	Account ID	111378
404 SE DORION AVE STE 205	Roll Type	Real
PENDLETON, OR 97801-2572	Property Desc	2N3211-BA-00600
Situs 306 SE 9TH ST PENDLETON, OR 97801	Code Area	1608

Tax Year	Payment	Tax Credit	Interest	Discount	Fees	Adjustments
2017	\$1,808.97	(\$1,785.17)	\$23.80	\$0.00	\$0.00	\$0.00
2016	\$1,770.80	(\$1,526.55)	\$244.25	\$0.00	\$0.00	\$0.00
2015	\$1,818.03	(\$1,377.29)	\$440.74	\$0.00	\$0.00	\$0.00
2014	\$2,119.69	(\$1,432.22)	\$687.47	\$0.00	\$0.00	\$0.00
	\$7,517.49	(\$6,121.23)	\$1,396.26	\$0.00	\$0.00	\$0.00
	Balance Due	\$0.00				